

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

**FILED**

2021 JUL 16 AM 11:15

CLERK  
U.S. BANKRUPTCY COURT  
DISTRICT OF DELAWARE

In re: ) Chapter 11  
W. R. Grace & Co, et al. ) Case No. 01-01139 (AMC)  
Reorganized Debtors. ) (Jointly Administered)  
)  
)  
\_\_\_\_\_ ) Docket No. 33236

**APPELLANT GARY SMOLKER'S DESIGNATION OF RECORD ON  
APPEAL AND STATEMENT OF ISSUES ON APPEAL**

**Designation of Record**

**Filing date      Docket Number      Docket Text**

03/15/2021	<u>33215</u> (7 pgs)	Motion to Compel Court Order Seeking Compensation and Sanctions and Request for Hearing Date Filed by Gary S. Smolker. The case judge is Ashely M. Chan. (AJL) (Entered: 03/15/2021)
03/16/2021	<u>929630</u> (2 pgs; 2 docs)	Notice of Hearing on Motion for Sanctions to be held on 6/24/2021 at 12:00pm. The case judge is Ashely M. Chan. Objections due by 6/3/2021. (related document(s) <u>33215</u> ) (BJM) (Entered: 03/16/2021)
06/04/2021	<u>33231</u> (22 pgs; 6 docs)	Motion to Approve Request to Cancel June 24, 2021 Hearing [Hearing Date: June 24, 2021 at 12:00 p.m.] Filed by W.R. Grace & Co., et al.. Objections due by 6/18/2021. (Attachments: # <u>1</u> Notice # <u>2</u> Exhibit A # <u>3</u> Exhibit B # <u>4</u> Exhibit C # <u>5</u> Certificate of Service and Service List) (O'Neill, James) (Entered: 06/04/2021)
06/21/2021	<u>33232</u> (158 pgs; 3 docs)	Response and Notice of Pleader Gary Smolker Does Not Consent to Entry of Final Orders or Judgments With Respect to W.R. Grace's Pending Motion to Cancel June 24, 2021 Hearing Date. (related document(s) <u>33231</u> ) Filed by Gary Smolker (Attachments: # <u>1</u> Attachment 1 # <u>2</u> Attachment 2) (BJM) Modified on 6/21/2021 (BJM). (Entered: 06/21/2021)

06/21/2021	<u>33233</u> (20 pgs)	Objection to W.R. Grace & Co.'s Request to Cancel June 24, 2021 Hearing and Gary Smolker's Request the Court Hear Ex Parte Application for Protective Order and Motion for Sanctions (related document(s) <u>33231</u> ) Filed by Gary Smolker (BJM) (Entered: 06/21/2021)
06/21/2021	<u>33234</u> (34 pgs; 3 docs)	Reply In Support of the Reorganized Debtor's Request to Cancel June 24, 2021 Hearing (related document(s) <u>33215</u> , <u>33231</u> , <u>33232</u> , <u>33233</u> ) Filed by W.R. Grace & Co., et al. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Certificate of Service and Service List) (O'Neill, James) (Entered: 06/21/2021)
06/22/2021	<u>33235</u> (7 pgs; 2 docs)	Agenda of Matters Scheduled for Telephonic Hearing Filed by W.R. Grace & Co., et al.. (Attachments: # <u>1</u> Certificate of Service and Service List) (O'Neill, James) (Entered: 06/22/2021)
06/22/2021	<u>33236</u> (4 pgs)	Order Cancelling June 24, 2021 Hearing (related document(s) <u>33231</u> , <u>33232</u> , <u>33234</u> , <u>33235</u> ) Order Signed on 6/22/2021. (AJL) (Entered: 06/22/2021)
06/22/2021	<u>33237</u> (7 pgs; 2 docs)	Amended HEARING CANCELLED. Notice of Agenda of Matters not going forward. The following hearing has been cancelled. Filed by W.R. Grace & Co., et al.. (Attachments: # <u>1</u> Certificate of Service and Service List) (O'Neill, James) (Entered: 06/22/2021)
06/22/2021	<u>33238</u> (5 pgs)	Certificate of Service for service of [Signed] Order Cancelling June 24, 2021 Hearing (related document(s) <u>33236</u> ) Filed by W.R. Grace & Co., et al.. (O'Neill, James) (Entered: 06/22/2021)
07/02/2021	<u>33239</u> (9 pgs)	Notice of Appeal DC CA 21-987 BAP 21-49. Receipt Number 93377, Fee Amount \$298. (related document(s) <u>33236</u> ) Filed by Gary Smolker. (JS) Modified on 7/2/2021 (JS). (Entered: 07/02/2021)
07/02/2021	<u>33240</u> (2 pgs; 2 docs)	Clerk's Notice Regarding Filing of Appeal (related document(s) <u>33239</u> ) (JS) (Entered: 07/02/2021)
07/02/2021	<u>929635</u> (15 pgs; 3 docs)	Transmittal of Record on Appeal to District Court BAP 21-49. (Attachments: # <u>1</u> Notice of Appeal # <u>2</u> Order on Appeal) (related document(s) <u>33239</u> ) (JS) (Entered: 07/02/2021)
07/02/2021	<u>929636</u> (1 pg)	Notice of Docketing Record on Appeal to District Court. Civil Action Number: 21-987 ; BAP Number: 21-49 (related document(s) <u>33239</u> ) (JS) (Entered: 07/02/2021)
07/04/2021	<u>929637</u> (2 pgs)	BNC Certificate of Mailing. (related document(s) <u>33240</u> ) Notice Date 07/04/2021. (Admin.) (Entered: 07/05/2021)
07/08/2021	<u>33241</u> (10 pgs)	Appellant Designation of Items For Inclusion in Record On Appeal (related document(s) <u>33216</u> , <u>33217</u> ) Filed by Gary Smolker. (BJM) (Entered: 07/08/2021)



### **Additional Documents Designated in Record on Appeal**

The following additional documents are to be included in the Record on Appeal.

I could not find them when I looked at the docket for Case No. 01-01139 (AMC).

They do not appear on the Docket for Case No. 01-01139 (AMC). In case they got lost, a copy of each document is attached hereto.

These documents should appear on the docket as having been filed on July 21, 2021.

#### **Additional Document Description**

**“STATEMENT OF RELIEF SOUGHT BY GARY SMOLKER IN  
EXPARTE MOTION GARY SMOLKER SEEKS TO HAVE HEARD ON  
JUNE 24, 2021 AT 12:00 P.M. BY HONORABLE ASHLEY M. CHAN,  
UNITED STATES BANKRUPTCY JUDGE” Dated June 17, 2021**

#### **Additional Document Description**

**“PLEADER GARY SMOLKER DOES NOT CONSENT TO ENTRY OF  
FINAL ORDER OR JUDGMENT OF THE BANKRUPTCY COURT WITH  
RESPECT TO GARY SMOLKER’S EX-PARTE APPLICATION/MOTION  
FOR PROTECTIVE ORDER AND IMPOSITION OF SANCTIONS ON  
W.R. GRACE ATTORNEYS ROGER J. HIGGINS, LAURA DAVIS JONES,  
AND JAMES E. O’NEILL**

### **MISCELLANEOUS**

Also attached hereto are: [1] a file stamped copy of the first page of “Statement of Relief Sought by Gary Smolker in Ex Parte Motion Gary Smolker Seeks to Have Heard on June 24, 2021 at 12:00 p.m. by Honorable Ashely M. Chan, United States Bankruptcy Judge; [2] note asking clerk to provide docket number; [3] FedEx Express Shipment Detail for both documents, showing delivery to the Bankruptcy Court on June 21, 2021 although shipped FedEx Priority Overnight on July 7, 2021.

### **Statement of Issues**

1. Did Judge Chan have authority to enter a final order or judgment granting W.R. Grace & Co.'s ("GRACE'S") "REQUEST TO CANCEL JUNE 24, 2021 HEARING"?
2. Did Judge Chan have authority to enter a final order or judgment denying Gary Smolker's (SMOLKER'S) "REQUEST TO MAKE AN EX PARTE APPLICATION FOR PROTECTIVE ORDER AND SANCTIONS AGAINST GRACE ATTORNEYS ROGER J. HIGGINS, JAMES O'NEILL, AND LAURA DAVIS JONES"?
3. Must JUDGE CHAN'S ORDER CANCELING JUNE 24, 2021 HEARING DATE be reversed because there is no legal basis for JUDGE CHAN'S ORDER?
4. Must Judge Chan's Order be reversed because Judge Chan did not hold a hearing on GRACE's Motion to Cancel Hearing Date?
5. Was Judge Chan's Order canceling the June 24, 2021 hearing date the right thing for Judge Chan to do?
6. Must Judge Chan's Order canceling June 24, 2021 hearing date be reversed because it is against public policy?
7. Must JUDGE CHAN'S ORDER DENYING SMOLKER'S REQUEST FOR PERMISSION TO MAKE AN EX PARTE APPLICATION FOR PROTECTIVE ORDER AND SANCTIONS AGAINST GRACE ATTORNEYS ROGER J. HIGGINS, JAMES O'NEILL, AND LAURA DAVIS JONES be reversed because there is no legal basis for JUDGE CHAN'S ORDER?
8. Must Judge Chan's denial of SMOLKER'S request for permission to make an ex-parte application for protective order and sanctions be reversed because Judge Chan did not hold a hearing on SMOLKER'S request?
9. Must Judge Chan's denial of SMOLKER'S request for permission to make an ex-parte application for protective order and sanctions be reversed because it is against public policy?



10. Was it an abuse of discretion for Judge Chan to not utilize the powers granted to Judges under Section 105 of the United States Bankruptcy Code to issue orders necessary or appropriate to prevent an abuse of process?

11. Must Judge Chan's June 22, 2021 ORDERS be reversed because they constitute an abdication of the powers and jurisdiction she reserved to herself to *"retain jurisdiction to hear and determine all matters arising from or relating to the implementation of her March 16, 2021 ORDER and disallowance of Claims."*

12. Did and do the blatant lies set forth by GRACE attorneys in their "Application/Motion for Briefing Schedule" filed on May 27, 2021 in the United States District Court for the District of Delaware constitute a clear violation of Federal Rules of Bankruptcy Rule 9011?

13. Did and do the blatant lies set forth by GRACE attorneys in their "Motion/Request for Briefing Schedule" filed on May 27, 2021 in the United States District Court for the District of Delaware severely undermine SMOLKER'S ability to prosecute SMOLKER'S appeal of Judge Chan's March 16, 2021 ORDER granting GRACE'S Summary Judgment Motion in its entirety and disallowing Claim 392 filed by SMOLKER in its entirety?

14. Has the effect of the lies set forth in GRACE'S Motion/Request for Briefing Schedule been to deprive SMOLKER of due process? Was that GRACE'S attorneys' and GRACE'S intent?

15. Did and does the written June 1, 2021 ex-parte communication by GRACE attorneys with District Court Judge Leonard S. Stark constitute a violation of the Federal Rules of Bankruptcy Procedure Rule 9003 prohibition of ex-parte contacts?

16. Was GRACE'S attorneys filing/delivering incomplete documents to the US District Court in ex-parte communications with Judge Stark with regard to GRACE'S request for a specific briefing schedule on SMOLKER'S appeal of Judge Chan's March 16, 2021 ORDERS [GRACE attorneys admit in their June 1, 2021 letter to Judge Stark that they are submitting two emails generated by SMOLKER without attachments totaling more than 140 pages of information and claiming those documents are not relevant] completely unethical behavior?

17. Is that behavior a clear violation of Federal Rules of Bankruptcy Procedure Rule 9011?
18. Does the above conduct of GRACE'S attorneys constitute a violation of the American Bar Associations Rules of Professional Conduct?
19. Does the conduct of GRACE'S attorneys with respect to SMOLKER'S appeal of Judge Chan's March 16, 2021 ORDERS demonstrate that GRACE'S attorneys Roger Higgins, James O'Neill, and Laura Davis Jones lie for a living?
20. What does it take to move the Court to intervene in this high profile debacle caused by the lack of integrity on the part of GRACE and its attorneys who purposefully deprived Judge Stark of actionable intelligence and situational awareness with respect to the briefing schedule order to be made by Judge Stark?
21. Would looking into the full particulars of GRACE'S conduct during the litigation of SMOLKER'S claims against GRACE be like shoveling shit in a manure pile? SMOLKER claims the deeper you go the worse it smells and therefore must the United States District Court order the two appeals filed by SMOLKER now before Judge Stark be consolidated so that Judge Stark may see the entire picture from beginning to end of GRACE'S and GRACE'S attorneys unethical conduct - repeated intentional violations of the American Bar Associations' Model Rules of Professional Conduct – which deprived SMOLKER of due process at each step of the litigation of SMOLKER'S claims against GRACE?

Dated: July 15, 2021



GARY SMOLKER, In Pro Per

Cell Phone 310-749-9735 \* Office Phone 818-788-7290

Email: [GSmolker@aol.com](mailto:GSmolker@aol.com)

Gary Smolker

16055 Ventura Blvd., Suite 525,  
Encino, CA. 91436



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
W. R. Grace & Co, et al	)	Case No. 01-01139 (AMC)
Reorganized Debtors.	)	(Jointly Administered)
	)	
	)	
_____	)	Docket Nos. 929630 and 33231

**STATEMENT OF RELIEF SOUGHT BY GARY SMOLKER IN EX PARTE  
MOTION GARY SMOLKER SEEKS TO HAVE HEARD ON JUNE 24, 2021  
AT 12:00 P.M. BY HONORABLE ASHELY M. CHAN,  
UNITED STATES BANKRUPTCY JUDGE**

Movant Gary Smolker ("SMOLKER") seeks the following relief in an Ex Parte Motion SMOLKER seeks to have heard on June 24, 2021 at 12:00 p.m. by Honorable Ashely M. Chan, United States Bankruptcy Judge:

A PROPOSED ORDER IS SENT BY JUDGE CHAN TO HONORABLE LEONARD P. STARK, UNITED STATES DISTRICT COURT JUDGE WHICH STATES:

PROPOSED ORDER

IT IS HEREBY ORDERED THAT:

1. W. R. Grace & Co. ("GRACE") and its attorneys shall file no further pleadings or letters in the United States Bankruptcy Court for the District of Delaware in Case No. 01-01139-AMC for sixty days following the filing of this ORDER except for filing objections to claims for reimbursement periodically filed by SMOLKER seeking reimbursement of additional living expenses incurred by

SMOLKER as a result of SMOLKER temporarily staying in the Courtyard by Marriott.

2. Judge Chan shall set a hearing on any objections filed by GRACE or its attorneys. At the conclusion of the hearing, Honorable Ashely M. Chan, United States Bankruptcy Judge shall forward proposed findings of fact and conclusions of law to Honorable Leonard P. Stark, United States District Court Judge.

3. SMOLKER shall periodically file claims in the United States Bankruptcy Court for the District of Delaware for reimbursement of additional living expenses incurred as a result of temporarily living in the Courtyard by Marriott in Woodland Hills, California, with supporting documentation.

4. SMOLKER'S CLAIM for reimbursement of amounts spent on eating out at restaurants in the time period May 27, 2021 through June 16, 2021 in the amount of \$2,261.33 is approved in its entirety.

5. SMOLKER'S CLAIM for reimbursement of amount paid to Courtyard by Marriott for staying there during the time period May 27, through June 2, 2021 in the amount of \$1,212.68 is approved in its entirety.

6. GRACE attorneys Roger J. Higgins, James O'Neill, and Laura Davis Jones shall promptly pay to SMOLKER the aggregate total sum of \$3,474.01.

7. SMOLKER shall periodically file claims for reimbursement of costs incurred as a result of temporarily residing in the Courtyard by Marriott in the United States Bankruptcy Court.

8. GRACE attorneys Roger J. Higgins, James O'Neill, and Laura Davis will either promptly make payment to SMOLKER of the total amount stated by SMOLKER as being additional living expenses as a result of temporarily staying in the Courtyard by Marriott or file an objection to such claim in the United States Bankruptcy Court.

9. The United States Bankruptcy Court Judge Presiding in this case, shall hold a hearing on any such objection and then forward proposed findings of fact and conclusions of law to Honorable Leonard P. Stark, United States District Judge.



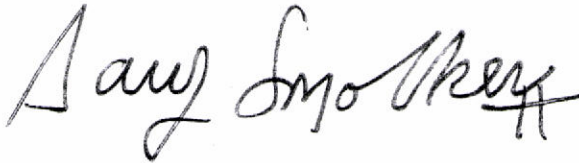
Honorable Leonard P. Stark  
United States District Court Judge

-----  
ABOVE IS a "Proposed Order" to be sent by Honorable Ashely M. Chan, United States Bankruptcy Court Judge to Honorable Leonard P. Stark.

That "ORDER" is the relief sought in SMOLKER'S EX PARTE MOTION.

Date: June 17, 2021

Respectfully submitted,



Gary Smolker, Claimant In Pro Per  
Cell Phone: (310) 749-9735  
Office Phone: (818) 788-7290  
E-mail: [GSmolker@aol.com](mailto:GSmolker@aol.com)

Gary Smolker  
16055 Ventura Blvd., Suite 525  
Encino, CA. 91436  
USA

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

Case No. 01-01139 (AMC) (Jointly Administered)

I am a resident of the State of California, over the age of eighteen years, and not a party to this action. My business address is 16055 Ventura Blvd., Suite 525, Encino, CA 91436. On June 17, 2021, I served the following attached document:

**Statement of Relief Sought by Gary Smolker in Ex Parte Motion Gary Smolker Seeks to have heard on June 24, 2021 at 12:00 p.m. by Honorable Ashely M. Chan, United States Bankruptcy Judge**

X Via Email on:

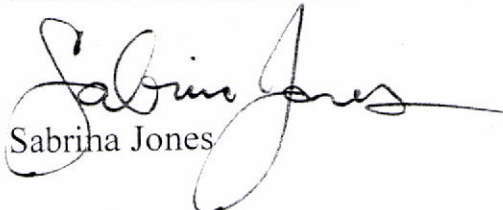
Roger J. Higgins – [rhiggins@rogerhigginslaw.com](mailto:rhiggins@rogerhigginslaw.com)  
James E. O'Neill – [joneill@pszjlaw.com](mailto:joneill@pszjlaw.com)  
Laura Davis Jones – [ljones@pszjlaw.com](mailto:ljones@pszjlaw.com)

X BY FEDERAL EXPRESS: ORIGINAL SENT FOR FILING WITH THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE VIA FEDERAL EXPRESS OVERNIGHT MAIL

United State Bankruptcy Court for the District of Delaware  
Office of the Clerk  
824 Market Street  
Wilmington, Delaware 19801

Executed on June 17, 2021, 2021 at Encino, California.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

  
Sabrina Jones



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

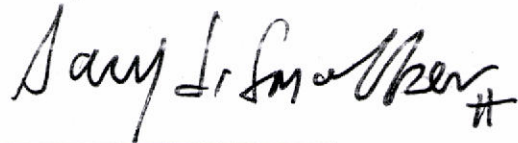
In re: ) Chapter 11  
W. R. Grace & Co, et al. ) Case No. 01-01139 (AMC)  
Reorganized Debtors. ) (Jointly Administered)  
 )  
 )  
 )  
\_\_\_\_\_ )

**Federal Rules of Bankruptcy Procedure, Rule 7008 Notice:  
PLEADER GARY SMOLKER  
DOES NOT CONSENT TO ENTRY OF A FINAL ORDER OR JUDGMENT  
OF THE BANKRUPTCY COURT WITH RESPECT TO GARY  
SMOLKER'S EX-PARTE APPLICATION/MOTION FOR PROTECTIVE  
ORDER AND IMPOSITION OF SANCTIONS ON W.R. GRACE & CO.  
ATTORNEYS ROGER J. HIGGINS, LAURA DAVIS JONES, AND JAMES  
E. O'NEILL**

Movant Gary S. Smolker does not consent to the Bankruptcy Court making a final order on his soon to be filed ex parte motion for protective order and imposition of sanctions on attorneys Roger J. Higgins, Laura Davis Jones, and James O'Neill.

Dated: June 16, 2021

Respectfully submitted,



Gary S. Smolker, Claimant, In Pro Per  
Email: GSmolker@aol.com  
CELL PHONE: 1-310-749-9735  
Office Phone: 1-818-788-7290

Gary S. Smolker  
16055 Ventura Blvd., Suite 525  
Encino, CA 90436-2609



IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF DELAWARE

Case No. 01-01139 (AMC) (Jointly Administered)

I am a resident of the State of California, over the age of eighteen years, and not a party to this action. My business address is 16055 Ventura Blvd., Suite 525, Encino, CA 91436. On June 16, 2021, I served the following attached document:

**Federal Rules of Bankruptcy Procedure, Rule 7008 Notice**

X VIA MAIL, by placing a true copy of the documents listed above in a sealed envelope with postage fully prepaid in United States mail in the State of California, at Encino, California, addressed as set forth below:

Law Offices of Roger Higgins, LLC, Attention Roger Higgins, Esq., 516 North Ogden Ave., Suite 136, Chicago, Illinois 60642

James E. O'Neill, Esq.  
Pachulski Stang Ziehl & Jones, LLP,  
919 North Market Street, 17<sup>th</sup> floor, Wilmington, Delaware, 19899-8705

Laura Davis Jones, Esq.  
Pachulski Stang Ziehl & Jones, LLP,  
919 North Market Street, 17<sup>th</sup> floor, Wilmington, Delaware, 19899-8705

X Via Email:

Roger J. Higgins – [rhiggins@rogerhigginslaw.com](mailto:rhiggins@rogerhigginslaw.com)  
James E. O'Neill – [joneill@pszjlaw.com](mailto:joneill@pszjlaw.com)  
Laura Davis Jones – [ljones@pszjlaw.com](mailto:ljones@pszjlaw.com)

X BY FEDERAL EXPRESS: ORIGINAL SENT FOR FILING WITH THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE VIA FEDERAL EXPRESS OVERNIGHT MAIL

United State Bankruptcy Court for the District of Delaware  
Office of the Clerk  
824 Market Street

Wilmington, Delaware 19801

Executed on June 16, 2021, 2021 at Encino, California.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Lauren Elder

A handwritten signature in black ink, appearing to read 'Lauren Elder', with a long horizontal flourish extending to the right.



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

FILED

2021 JUN 21 AM 10:46

CLERK  
US BANKRUPTCY COURT  
DISTRICT OF DELAWARE

In re: ) Chapter 11  
W. R. Grace & Co, et al. ) Case No. 01-01139 (AMC)  
Reorganized Debtors. ) (Jointly Administered)  
)  
)  
\_\_\_\_\_) Docket Nos. 929630 and 33231

**STATEMENT OF RELIEF SOUGHT BY GARY SMOLKER IN EX PARTE  
MOTION GARY SMOLKER SEEKS TO HAVE HEARD ON JUNE 24, 2021  
AT 12:00 P.M. BY HONORABLE ASHELY M. CHAN,  
UNITED STATES BANKRUPTCY JUDGE**

Movant Gary Smolker ("SMOLKER") seeks the following relief in an Ex Parte Motion SMOLKER seeks to have heard on June 24, 2021 at 12:00 p.m. by Honorable Ashely M. Chan, United States Bankruptcy Judge:

A PROPOSED ORDER IS SENT BY JUDGE CHAN TO HONORABLE LEONARD P. STARK, UNITED STATES DISTRICT COURT JUDGE WHICH STATES:

PROPOSED ORDER

IT IS HEREBY ORDERED THAT:

1. W. R. Grace & Co. ("GRACE") and its attorneys shall file no further pleadings or letters in the United States Bankruptcy Court for the District of Delaware in Case No. 01-01139-AMC for sixty days following the filing of this ORDER except for filing objections to claims for reimbursement periodically filed by SMOLKER seeking reimbursement of additional living expenses incurred by

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

FILED

2021 JUN 21 AM 10:46

CLERK  
US BANKRUPTCY COURT  
DISTRICT OF DELAWARE

In re: ) Chapter 11  
W. R. Grace & Co, et al ) Case No. 01-01139 (AMC)  
Reorganized Debtors. ) (Jointly Administered)

CLERK June 17, 2021

Please return

31

STATEMENT  
MOTION GR  
AT 1

as formed copy  
showing filing stamp  
and if convenient  
please note  
docket number

IN EX PARTE  
JUNE 24, 2021  
AN,

Movant G  
Parte Motion SM  
Honorable Ashe

Relief in an Ex  
2:00 p.m. by

Thank you,  
GARY SMOLKER

A PROPOS  
LEONARD P. STARK, UNITED STATES DISTRICT COURT JUDGE WHICH  
STATES:

PROPOSED ORDER

IT IS HEREBY ORDERED THAT:

1. W. R. Grace & Co. ("GRACE") and its attorneys shall file no further pleadings or letters in the United States Bankruptcy Court for the District of Delaware in Case No. 01-01139-AMC for sixty days following the filing of this ORDER except for filing objections to claims for reimbursement periodically filed by SMOLKER seeking reimbursement of additional living expenses incurred by



**Invoice Number**

7-416-08156

**Invoice Date**

Jun 25, 2021

**Account Number**

1051-1367-6

Page

2 of 2

**FedEx Express Shipment Detail By Payor Type (Original)****Ship Date:** Jun 17, 2021**Cust. Ref.:** NO REFERENCE INFORMATION**Ref.#2:****Payor:** Third Party**Ref.#3:**

- Fuel Surcharge - FedEx has applied a fuel surcharge of 7.50% to this shipment.
- Distance Based Pricing, Zone 8

Automation SSFO  
 Tracking ID 280521400370  
 Service Type FedEx Priority Overnight  
 Package Type FedEx Envelope  
 Zone 08  
 Packages 1  
 Rated Weight N/A  
 Declared Value USD 100.00  
 Delivered Jun 21, 2021 09:35  
 Svc Area A1  
 Signed by S.HOSKINS  
 FedEx Use 000000000/252/\_

**Sender**  
 GARY SMOLKER  
 SMOLKER LAW FIRM  
 16055 VENTURA BLVD STE 525  
 ENCINO CA 91436 US

**Recipient**  
 OFFICE OF THE CLERK  
 UNITED STATES BANKRUPTCY COURT  
 824 N MARKET ST  
 WILMINGTON DE 19801 US

Transportation Charge	52.69
Discount	-23.71
Fuel Surcharge	2.17
Declared Value Charge	0.00
<b>Total Charge</b>	<b>USD \$31.15</b>

**Ship Date:** Jun 17, 2021**Cust. Ref.:** NO REFERENCE INFORMATION**Ref.#2:****Tendered Date:** Jun 16, 2021**Ref.#3:****Payor:** Third Party

- Fuel Surcharge - FedEx has applied a fuel surcharge of 7.50% to this shipment.
- Distance Based Pricing, Zone 8

Automation SSFO  
 Tracking ID 860136009112  
 Service Type FedEx Priority Overnight  
 Package Type FedEx Small Box  
 Zone 08  
 Packages 1  
 Rated Weight 2.0 lbs, 0.9 kgs  
 Declared Value USD 1.00  
 Delivered Jun 21, 2021 09:35  
 Svc Area A1  
 Signed by S.HOSKINS  
 FedEx Use 000000000/1618/\_

**Sender**  
 SMOLKER LAW FIRM  
 16055 VENTURA BLVD STE 525  
 ENCINO CA 91436 US

**Recipient**  
 UNITED STATES BANKRUPTCY COURT  
 824 MARKET ST  
 WILMINGTON DE 19801 US

Transportation Charge	95.46
Discount	-42.96
Fuel Surcharge	3.94
Declared Value Charge	0.00
<b>Total Charge</b>	<b>USD \$56.44</b>

<b>Third Party Subtotal</b>	<b>USD</b>	<b>\$87.59</b>
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<b>Total FedEx Express</b>	<b>USD</b>	<b>\$87.59</b>
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**FedEx® Billing Online**

FedEx Billing Online allows you to efficiently manage and pay your FedEx invoices online. It's free, easy and secure. FedEx Billing Online helps you streamline your billing process. With all your FedEx shipping information available in one secure online location, you never have to worry about misplacing a paper invoice or sifting through reams of paper to find information for past shipments. Go to [fedex.com](http://fedex.com) to sign up today!

**RECEIVED**

JUN 28 2021

BY: .....

-17-



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE  
Case No. 01-01139 (AMC) (Jointly Administered)

I am a resident of the State of California, over the age of eighteen years, and not a party to this action. My business address is 16055 Ventura Blvd., Suite 525, Encino, CA 91436.

On July 15, 2021, I served the following titled and attached document:

APPELLANT GARY SMOLKER'S DESIGNATION OF RECORD ON APPEAL  
AND STATEMENT OF ISSUES ON APPEAL

X VIA MAIL, by placing a true copy of the documents listed above in a sealed envelope with postage fully prepaid in United States mail in the State of California, at Encino, California, addressed as set forth below:

Law Offices of Roger Higgins, LLC, Attention Roger Higgins Esq., 516 North Ogden Ave., Suite 136, Chicago, Illinois 61642, USA


Pachulski Stang Ziehl & Jones, LLP, Attention James E. O'Neill, Esq., 919 North Market Street, 17<sup>th</sup> floor, Wilmington, Delaware 19899-8705

Pachulski Stang Ziehl & Jones, LLP, Attention Laura Davis Jones, Esq., 919 North Market Street, 17<sup>th</sup> floor, Wilmington, Delaware 19899-8705

X BY FEDERAL EXPRESS PRIORITY OVERNIGHT MAIL: ORIGINAL  
SENT FOR FILING WITH THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

United States Bankruptcy Court for the District of Delaware  
Office of the Clerk  
824 Market Street  
Wilmington, Delaware 19801

Executed on July 15, 2021 at Encino, California. I declare under penalty of perjury under the laws of the United States that the above is true and correct.

  
Sabrina Jones